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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: ROUNDUP PRODUCTS LIABILITY
LITIGATION

MDL No. 2741

Case No.

This document relates to:

MANUEL COLON,
Plaintiff,

v.

MONSANTO COMPANY,
Defendant.

SHORT FORM COMPLAINT

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Pursuant to Pretrial Orders (PTO) Nos. 149 and 175, Plaintiff Manuel Colon provides the following allegations:

1. This case is brought on behalf of Plaintiff Manuel Colon.
2. This case is brought against Defendant Monsanto Company (Monsanto).
3. Plaintiff first filed his case against Monsanto in the Circuit Court of St. Louis City, Missouri. Defendant Monsanto Company removed this case to the United States District Court for the Eastern District of Missouri, Eastern Division.

- 1 4. Plaintiff incorporates by reference, as if fully alleged herein, the allegations
2 contained in *Donald Bittinger, Jr. et al. v. Monsanto Company*, Case No. 1922-
3 CC00850, other than paragraphs 1-79 and 90-493.
- 4 5. Plaintiff resided in Orlando, Florida at the time the original complaint was filed
5 against Monsanto.
- 6 6. Plaintiff currently resides in Orlando, Florida.
- 7 7. Plaintiff resided in Landstuhl, Germany at the time of his diagnosis of Non-
8 Hodgkin Lymphoma (NHL).
- 9 8. Plaintiff received medical treatment for his NHL in Florida.
- 10 9. Venue over this case properly lies in the United States District Court for the
11 Middle District of Florida (Orlando Division).
- 12 10. Jurisdiction is proper based on diversity under 28 U.S.C. § 1332 because Plaintiff
13 is a citizen of Florida, a different state than the Defendant's states of citizenship,
14 and the aggregate amount in controversy exceeds \$75,000, exclusive of interest
15 and costs.
- 16 11. Plaintiff alleges injury from his exposure to Defendant's Roundup® products.
- 17 12. Plaintiff was exposed to Monsanto's Roundup® products from 1996 to 2018.
- 18 13. Plaintiff used Monsanto's Roundup® products at each of the following locations:
19 Oahu, Hawaii; Fort Riley, Kansas; San Antonio, Texas; Vilseck, Germany; and
20 Orlando, Florida.
- 21 14. Plaintiff was first diagnosed with Follicular Lymphoma in February 2010.
- 22 15. Plaintiff brings claims against Monsanto under the following theories of liability:
23 Strict Liability (Design Defect); Strict Liability (Failure to Warn); Negligence;
24 Breach of Express Warranty; Breach of Implied Warranties.
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Dated: October 17, 2019

WEITZ & LUXENBERG PC

By: /s/ Robin L. Greenwald

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CERTIFICATE OF SERVICE

I, Robin Greenwald, hereby certify that, on October 17, 2019, I electronically filed the foregoing with the Clerk for the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to counsel of record.

/s/ Robin L. Greenwald